

## **REMARKS**

Claims 1 to 9, 12 to 16, 18 to 24, and 40 to 42 continue to be under consideration.

Claims 25 to 39 and 43 are being cancelled.

New claims 44 to 59 are being introduced.

New claim 44 is based on the language of claim 4.

New claim 45 is based on the language of claim 5.

New claim 46 is based on the language of claim 6.

New claim 47 is based on the language of claim 7.

New claim 48 is based on the language of claim 14.

New claim 49 is based on the language of claim 14.

New claim 50 is based on the language of claim 14.

New claim 51 is based on the language of claim 14.

New claim 52 is based on the language of claim 14.

New claim 53 is based on the language of claim 14.

New claim 54 is based on the language of claim 14.

New claim 55 is based on the language of claim 16.

New claim 56 is based on the language of claim 8.

New claim 57 is based on the language of claim 8.

New claim 58 is based on the language of claim 8.

New claim 59 is based on the language of claim 13.

***The Office Action refers to Priority.***

Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in Germany on July 12, 2002 and filed in Europe on July 8, 2003. Applicant has not complied with the requirements of 37CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of any foreign application. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date.

Applicants thank the Examiner for acknowledging receipt of the priority papers and for indicating the need for a new oath or declaration. A new declaration is being prepared for execution by the inventors and will then be submitted.

***The Office Action refers to Claim Objections.***

2. Claims 1-9, 19, 21-24, 31-33, 35-39, and 43 stand objected to because of the following informalities, which appear to be minor draft errors including grammatical and/or lack of antecedent basis problems.

In the following format (location of objection; suggestion for correction), the following correction(s) may obviate the objection(s): (claim 1, lines 8-9; inserting —wherein— after "measuring instrument,"), (claim 2, line 8; inserting -wherein- after "measuring instrument,"), (claim 8, line 2; inserting -when- before "a predefined target position"), (claim 19, line 20, "the actual of the

structure"; inserting -position- after "actual"), (claim 21, line 2, "the actual position"; replacing "the" with —an—), (claim 21, line 3; replacing "whereby" with —wherein—), (claim 31, line 3; deleting "is"), (claim 35, line 14, "are known or is"; deleting "is"), and (claim 43, lines 15-16, "measuring instrument; means for positioning"; inserting —and— after the semicolon).

Applicants thank the Examiner for pointing out the claim deficiencies. The present amendment provides corrections which are deemed to obviate the claim objections.

Claims 3-9, 22-24, 32, 33, and 36-39 stand objected to by virtue of their dependency. For purposes of examination, the claims have been treated as such. Appropriate correction is required.

Applicants believe that the corrections made in the present amendment will overcome the claim objections.

***The Office Action refers to Claim Rejections - 55 USC § 102.***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

3. Claims 25-34 and 43 stand rejected under 35 U.S.C. 102(e) as being anticipated by Zylka et al. (US 6490477).

The present amendment cancels claims 25 through 34 and 43.

***The Office Action refers to Claim Rejections - 55 USC § 103.***

15. Claims 35-39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zylka et al. as

applied to claim 25 above, and further in view of Pfoh (US 5291402).

The present amendment cancels claims 35 to 39.

*The Office Action refers to Allowable Subject Matter.*

21. Claims 1-9, 19, and 21-24 would be allowable if rewritten or amended to overcome the respective claim objections set forth in this Office action. Claims 12-16, 18, 20, and 40-42 are allowed. The following is a statement of reasons for the indication of allowable subject matter.

Applicants are amending now the claims to overcome the claim objections. Applicants respectfully submit that claims 1 to 9, 12 to 24 and claims 40 to 42 are deemed to be in allowable form.


The present amendment submits new claims 44 to 59. These new claims are based on the language of some of the claims deemed to be allowable. In particular, claims 44 to 59 are all dependent claims, which depend from claims containing allowable subject matter and are therefore claims 44 to 59 are also deemed to be also allowable.

Reconsideration of all outstanding rejections is respectfully requested.

All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,

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